UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

STACK STACKHOUSE,

Plaintiff,

v.

Civil Action No. 07-5502 (JAG)

ORDER

MAURICE BOYD, et al.

Defendants.

GREENAWAY, JR., U.S.D.J.

This matter comes before this Court on the motion, filed by plaintiff Stack Stackhouse ("Plaintiff"), for entry of default judgment against defendants Maurice Boyd, et al. ("Defendants"). For the following reasons, the motion for entry of default is denied.

In order to receive a judgment of default, pursuant to FED R. CIV. P. 55(b)(1) or 55(b)(2), a party must first seek the entry of default from the Clerk of Court. FED. R. Civ. P. 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend . . . the clerk shall enter the party's default."). "[E]ntry of default judgment is a two-part process; default judgment may be entered only upon the entry of default by the Clerk of the Court." Nationwide Mut. Ins. Co. v. Starlight Ballroom Dance Club, 175 F. App'x 519, 521, n.1 (3d Cir. 2006). "Prior to obtaining a default judgment under either Rule 55(b)(1) or Rule 55(b)(2), there must be an entry of default as provided by Rule 55(a)." Limehouse v. Delaware, 144 F. App'x 921, 923 (3d Cir. 2005).

Plaintiff did not request an entry of default by the Clerk of the Court before filing the

instant motion. Therefore, Plaintiff failed to follow the two-part process required when seeking a

judgment of default.

Because Plaintiff failed to first request an entry of default by the Clerk of the Court,

IT IS, on this 30th day of June, 2009,

ORDERED that Plaintiff's motion for entry of default judgment (Docket Entry No. 12) is

DENIED; and it is further

ORDERED that a copy of this Order be served on all parties within seven (7) days of the

date of entry of this Order.

S/Joseph A. Greenaway, Jr.

JOSEPH A. GREENAWAY, JR., U.S.D.J.